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Attorney Docket No.: **P0825BC3**
PATENT

CERTIFICATION UNDER 37 CFR 1.10

TB 835479953: Express Mail Number

April 30, 1997: Date of Deposit

I hereby certify that this Transmittal of Filing Under 37 CFR 1.60(b) and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

Janet Tse
Janet Tse

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PRIOR APPLICATION Serial No. 08/447,291
PRIOR APPLICATION Examiner: V. Ryan
Art Unit: 1802

BOX PATENT APPLICATION
Assistant Commissioner of Patents
Washington, D.C. 20231

TRANSMITTAL OF FILING UNDER 37 CFR 1.60(b)

This is a request for filing a

 X continuation
 divisional

application under 37 CFR 1.60, of pending prior application Serial No. 08/447,291 filed on 22 May
1995

of **Jeffrey L. Cleland, Amy Lim, Michael F. Powell**

for **METHODS AND COMPOSITIONS FOR MICROENCAPSULATION OF ANTIGENS FOR USE AS
VACCINES**

1. Copy of Prior Application as Filed Which is Attached

 X I hereby verify that the attached papers are a true copy of what is shown in my records to be the above-identified prior application, including the oath or declaration originally filed (37 CFR 1.60).

The copy of the papers of prior application as filed which are attached are as follows:

 64 pages of specification
 3 pages of claims
 1 page(s) of abstract
 14 sheet(s) of drawings

 2 pages of declaration and power of attorney

(If the copy of the declaration being filed does not show applicant's signature, because the attorney's records do not contain a copy of the signed declaration actually filed for the application, indicate thereon that it was signed and complete the following:)

_____ in accordance with the indication required by 37 CFR 60(b), my records reflect that the original signed declaration showing applicant's signature was filed on _____

_____ the amendment referred to in the declaration filed to complete the prior application and I hereby state, in accordance with the requirements of 37 CFR 1.60(b), that this amendment did not introduce new matter therein.

2. Amendments

 X Cancel in this application original claims 2, 3 and 10-22 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

 X A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

3. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

_____ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File an Amendment (New Application Filed Concurrently).

4. A Letter to Draftsman with Proposed Drawing Correction Under 37 CFR §1.123 and MPEP §§608.02(Q) and (R) and Corrected Figures 5 and 6 are submitted herewith.

5. Fee Calculation (37 CFR 1.16)

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$ 770.00
Total Claims	12	- 22 =	0	X \$22.00	\$0.00
Independent Claims	1	- 4 =	0	X \$80.00	\$0.00
_____ Multiple dependent claim(s), if any				+ 260.00	\$0.00
Filing Fee Calculation					\$770.00

6. Priority -- 35 U.S.C. 119

_____ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.

_____ The certified copy has been filed on _____ in prior U.S. application Serial No. _____, which prior application was filed on _____.

_____ certified copy will follow.

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7. Relate Back -- 35 U.S.C. 120

 X Amend the specification by inserting before the first line the sentence:

--This is a

 X continuation
 divisional

of co-pending application(s)

 X Serial No. 08/447,291 filed on 22 May 1995, which is a continuation of Serial No. 08/365,986 filed on 28 December 1994, which is a continuation of Serial No. 08/143,555 filed on 25 October 1993, now abandoned, which applications are incorporated herein by reference and to which applications priority is claimed under 35 USC §120.--

 International Application filed on , which designated the U.S., and which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120.--

8. Inventorship Statement

[complete appropriate items (a) and (b) below]

(a) With respect to the prior copending U.S. application from which this application claims benefit under 35 USC 120 the inventor(s) in this application are:

 X the same
 less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

(b) The inventorship for all the claims in this application are

 X the same
 not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

9. Assignment

 X the prior application is assigned of record to GENENTECH, INC., recorded on 24 January 1994 at Reel 6830, Frame 0251.

 an assignment of the invention to is attached. (Attach with Recordation Form).

10. Fee Payment Being Made at This Time

ATTACHED

<u> X </u> basic filing fee	\$ 770.00
<u> </u> recording assignment (\$40.00; 37 CFR 1.21(h))	\$
<u> </u> processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l))	\$

TOTAL FEE ENCLOSED: \$ 770.00

2025 RELEASE UNDER E.O. 14176

11. Method of Payment of Fees

 X charge Account No. 07-0630 in the amount \$ 770.00
 X A duplicate of this request is attached.

12. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630.

13. Power of Attorney

The power of attorney in the prior application is to:

Walter E. Buting - Reg. No. 23,092
 Ginger R. Dreger - Reg. No. 33,055
 Janet E. Hasak - Reg. No. 28,616
 Sean A. Johnston - Reg. No. 35,910
 Jeffrey S. Kubinec - Reg. No. 36,575
 Daryl B. Winter - Reg. No. 32,637

- a. X The power appears in the original papers in the prior application.
 b. The power does not appear in the original papers, but was filed on (copy enclosed).
 c. A new power has been executed and is attached.
 d. X Address all future communications to:

GENENTECH, INC.
 Attn: Jeffrey S. Kubinec
 460 Point San Bruno Boulevard
 South San Francisco, CA 94080-4990
 (415) 225-8228

[Item d may only be completed by applicant or agent of record].

14. Maintenance of Copendency of Prior Application

*[This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

- A petition, fee and response has been filed to extend the term in the pending prior application until
 X A copy of the petition for extension of time in the **prior** application is attached.

15. Conditional Petitions for Extension of Time in Prior Application

- A conditional petition for extension of time is being filed in the pending prior application
 A copy of the conditional petition for extension of time in the **prior** application is attached.


16. Abandonment of Prior Application (if applicable)

- Please abandon the prior application at a time when the prior application is pending or when the petition for extension of time or to revive in that application is granted and when

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 South San Francisco, CA 94080-4990
 (415) 225-8228

this application is granted a filing date so as to make this application copending with said prior application. At the same time please add the words "now abandoned" to the amendment to the specification set forth in 7. above.

Dated: April 30, 1997


Jeffrey S. Kobmiec
Reg. No. 66,575

GENENTECH, INC.
460 Point San Bruno Blvd.
South San Francisco, CA 94080-4990
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____ Inventor
____ Assignee of complete interest
____ Person authorized to sign for assignee
☒ Attorney or agent of record
____ Filed under rule 34(a)

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